

## **REMARKS**

Claims 1-4, 6, 8, 11, and 12 are pending in the application. The Examiner's reconsideration of the rejections in view of the amendments and remarks is respectfully requested.

Applicants appreciate the indication that Claims 1-4, 6, 8 and 11-12 are allowable over the art or record.

Claims 1-4, 6, 8, 11, and 12 have been rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The Examiner suggested that it “must be previously determined that a ‘round robin’ schedule is not feasible. It is not clear how or if the recited steps are implemented in the event that a round robin schedule is possible.”

Claim 1 Claims, *inter alia*, “determining from the input data whether a round robin schedule is possible and upon determining that the round robin schedule is not possible performing steps for determining a feasible schedule, wherein determining the feasible schedule comprises.”

Respectfully, Claim 1 has been crafted such that “determining that the round robin schedule is not possible” is positively recited. That is, according to the claimed limitations it must be determined that the round robin schedule is not possible. The presently presented claims are not concerned with the case where the round robin is possible and make no claim to that case. The specification teaches that a round robin method may be used when possible, and thus, is outside the scope of the presently presented claims.

In view of the foregoing, the claims are believed to be sufficiently definite such that those skilled in the art would understand what is being claimed when the claim is read in light of the Specification.

Claims 2-4, 6, 8, 11 and 12 depend from Claim 1 and are believed to be allowable for at least the reasons given for Claim 1. Reconsideration of the rejection is respectfully requested.

Claims 1-4, 6, 7, 11 and 12 are rejected under 35 USC 101 as being directed to nonstatutory subject matter. The Examiner suggested that Claim 1 positively recite “non-transitory computer-readable storage medium.”

Claim 1 has been amended in accordance with the Examiner’s suggestion. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including Claims 1-4, 6, 8, 11, and 12, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

Dated: June 29, 2010

By: /Nathaniel T. Wallace/  
Nathaniel T. Wallace  
Reg. No. 48,909  
Attorney for Applicant(s)

Mailing Address:  
**F. Chau & Associates, LLC**  
130 Woodbury Road  
Woodbury, New York 11797  
TEL: (516) 692-8888  
FAX: (516) 692-8889